

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In Re:

MALDINER, KIRK H.

Case No. 1-10-12500 MJK
Chapter 13

Debtor(s)

NOTICE OF HEARING

TO ALL PARTIES IN INTEREST:

PLEASE TAKE NOTICE that upon the annexed Objection by Debtor to Trustee's Claim #2 filed by Cedarcrest Fund LP filed Pursuant to Bankruptcy Rule 3007, a motion will be heard at the:

DATE/TIME/LOCATION OF HEARING

Date: Thursday, November 18, 2010 at 10:00 a.m.
United States Bankruptcy Court
Public Safety Building
520 Hyde Park Blvd.
Niagara Falls, New York 14302

to consider the objection filed by the Debtor, Kirk H. Maldiner, by his attorneys Brick, Brick & Elmer, P.C., seeking an Order setting the amount of the claim to be entered in Debtors Plan for said creditor pursuant to Bankruptcy Rule 3007.

Dated: September 23, 2010

BRICK, BRICK AND ELMER, P.C.

by: 

Daniel Evans Brick

Attorneys for Debtor's

Office and P.O. Address

91 Tremont Street, P.O. Box 604

North Tonawanda, New York 14120-0604

Telephone: (716) 693-2335

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In Re:
MALDINER, KIRK H.

Case No. 1-10-12500 MJK
Chapter 13

Debtor(s)

**OBJECTION TO CLAIM
PURSUANT TO BANKRUPTCY RULE 3007**

The Debtor, Kirk H. Maldiner, by his attorney, Daniel Evans Brick, Esq., for his objection to the claim says that:

1) He is the Debtor herein under a confirmed Chapter 13 Plan filed June 8, 2010; said Plan was confirmed by Order of this Court on July 15, 2010.

2) Cedarcrest Fund LP bought a certain tax lien on the property of the Debtor located at 222 Ironton Street, North Tonawanda, New York from said City in August 2009

3) The Debtor objects to the claim of Cedarcrest Fund LP filed June 12, 2010 to the extent that the filed claim of \$7,381.81 is inconsistent with the sum listed in the summons and complaint filed by the attorneys for said creditor on or about March 26, 2010.

4) Said sum in the complaint listed:

a) Principal balance	\$3,391.09
b) Interest	730.32
c) Attorneys fees	775.00
d) Title search	<u>550.00</u>
	\$5,446.41

5) There has been no documentation filed to support the additional \$1,935.40 sought to be obtained from the Debtor.

6) No judgment has been rendered against the Debtor.

Wherefore, the Debtor prays for an Order setting the amount of the claim to be entered in his Plan for Cedarcrest Fund LP and for such other relief as is just.

Dated: September 23, 2010

BRICK, BRICK AND ELMER, P.C.

by: 

Daniel Evans Brick

Attorneys for Debtor

91 Tremont Street, P.O. Box 604

North Tonawanda, New York 14120-0604

Telephone: (716) 693-2335